

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

57128097

(Inmate Number)

Paul Peraza

(Name of Plaintiff)

P.O. Box 1000

(Address of Plaintiff)

Lewisburg, PA. 17837

vs.

Thomas Cain

Harrell Watts

J.L. Norwood

(Names of Defendants)

See attachment:

3:12-Cv-376

(Case Number)

**COMPLAINT**

**FILED  
SCRANTON**

FEB 28 2012

MARY E. D'ANDREA, CLERK  
Per OC DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

28 U.S.C. § 1331 - FEDERAL OFFICIALS

**I. Previous Lawsuits**

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

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**II. Exhaustion of Administrative Remedies**

A. Is there a grievance procedure available at your institution?

Yes  No

B. Have you filed a grievance concerning the facts relating to this complaint?

Yes  No

If your answer is no, explain why not

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C. Is the grievance process completed?

Yes  No

## III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant Thomas Cain is employed as Acting Director at Federal Bureau of Prisons

B. Additional defendants Harrell/Watts, National Appeals Administrator, F-BOP; J.L. Norwood, Regional Director, Northeast Region F-BOP; Warden, Warden, USP Canaan; Captain, Captain, USP Canaan; Burning, Lieutenant, see Attached

## IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. This is a brief summary of what happened to plaintiff at USP Canaan, and the obstruction of the Administrative Remedy Process that amounted to a Civil Rights Conspiracy to cover-up staff misconduct. Plaintiff can not be more detailed in this filing because of the limited space on the complaint form and the 3 page limitation on attachments placed on plaintiff via the cover sheet attached to this complaint.  
Plaintiff will submit a amended complaint with complete factual detail and proper statements of his cause of action once this case is activated.  
On or about 5-11-11 Defendants Burning, Dominick, Burns, Schwartz, Moran, and Seana assaulted, conspired to assault, and/or failed to prevent, or stop the  
See Attached
- 2.
- 3.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I demand a jury trial
2. Plaintiff respectfully seeks:
  - (a) Compensatory damages, jointly and severally amongst the defendants in the amount of \$2,500,000 (two million Five hundred thousand)
  - (b) Punitive damages jointly and severally amongst Defendants Cain; Watts; Norwood; Warden and Captain in the amount of \$2,500,000 (two million Five hundred thousand)
  - (c) Punitive damages jointly and severally amongst Defendants Kaiser; Burning; Sudul; Lieutenant (1); Lieutenant (2); Lynsey; Bigart; Renda; Psychology Representative; Escort Officer (1);  
See Attached

Signed this 22 day of February, 2012.

Paul P. Dwyer  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

2/22/12  
(Date)

Paul P. Dwyer  
(Signature of Plaintiff)

Warden, (Name unknown to me at this time); Kaiser;  
Captain, (Name unknown to me at this time);  
Burning; Sudul; Lieutenant (1), (Name unknown to me at this time); Lieutenant (2), (Name unknown to me at this time); Lynsey; Bigart; Renda; Psychology Representative, (Name unknown to me at this time); Escort Officer (1), (Name unknown to me at this time); Escort Officer (2), (Name unknown to me at this time); Dominick; Burns; Schwartz; Moran; Seana; Jenkins; Pelacano. Defendants

### III Defendants B.

USPCanaan; Sudul, Lieutenant, USPCanaan; Lieutenant (1), Lieutenant, USPCanaan; Lieutenant (2), Lieutenant, USPCanaan; Lynsey, Unit Manager, USPCanaan; Bigart, Case Manager, USPCanaan; Renda, Discipline Hearing Officer, USPCanaan; Kaiser, P.A., USPCanaan; Psychology Representative, Psychology, USPCanaan; Escort Officer (1), Officer, USPCanaan; Escort Officer (2), Officer, USPCanaan; Dominick, Officer, USPCanaan; Burns, Officer, USPCanaan; Schwartz, Officer, USPCanaan; Moran, Officer, USPCanaan; Seana, Officer, USPCanaan; Jenkins, Officer, USPCanaan; Pelacano, Officer, USPCanaan

### IV Statement of Claim

the assault on plaintiff by the above mentioned Defendants resulting in the plaintiff being terrorized, sexually fondled, and subjected to a bone deep gash on his forehead, along with a sprained ankle and other various bruises. After the plaintiff was assaulted by staff Defendants P.A. Kaiser, Escort Guard (1), and Escort Guard (2) failed to report what the plaintiff had told them about the unprovoked assault by SHU (Special Housing Unit) Staff. On or about 5-12-11 Defendants Pelacano and Sudul forced the plaintiff and another inmate to physically fight in a locked cell putting the plaintiff's life and safety in danger. On or about 5-17-11 Defendants Psychology Representative, Burning, and Schwartz attempted to prevent plaintiff from reporting sexual and physical assault.

From 5-11-11 through 7-20-11 investigation and with exception on or about 5-23-11 Plaintiff became aware that Defendants Jenkins and Schwartz had spread a rumor that plaintiff was a "Child Molester" putting plaintiff's life and health in danger. On or about 5-31-11 Defendants Renda, and Bigart conspired to impede the investigation and cover-up staff misconduct of 5-11-11 through false reports before, during, and after the plaintiff's Disciplinary hearing on incidents of 5-11-11 and 5-12-11. On or about 6-7-11 Defendants Sudul, and Schwartz forced the plaintiff and another inmate to physically fight in a locked cell putting the plaintiff's life and safety in danger. Later that day plaintiff reported this abuse by staff to Defendant Kaiser and Defendant refused to report the abuse thereby obstructing the investigation into staff misconduct. On or about 7-4-11 Defendant Schwartz conspired to, and facilitated assault to the plaintiff by two inmates in a recreation cage by telling the inmates that the plaintiff was a "Child Molester" then assigning plaintiff to their cage. This resulted in the plaintiff being terrorized, losing consciousness, and suffering severe bruising and swelling along with deep facial tissue damage. Later that day Defendants Lieutenant (1), and Lieutenant (2) obstructed the investigation into the malicious, and possibly criminal staff misconduct by not reporting what the plaintiff told them about the actions of Defendant Schwartz. On or about 7-13-11 or 7-20-11 plaintiff handed a "Sensitive BP-9" (Administrative Remedy bypassing prison Administration for safety reasons) to Defendant Lynsey to place in the mail (Legal Mail). The Defendant purposefully failed to properly Post the "Sensitive-9", in order to deliberately obstruct the investigation into, and cover-up staff's misconduct. Defendants Warden, and Captain were fully aware of the staff misconduct in the USP Canaan SHU, and did nothing to stop or punish said staff, and their failure to meaningfully address the misconduct

(2)

constitutes reckless disregard and deliberate indifference  
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to the plaintiff's safety and resulted in him being assaulted by  
staff and inmates. Through inmate Requests for Administrative

Remedy on these, and other, incidents Defendants Cain, Watts,  
and Norwood were aware of the staff misconduct at USP  
Canaan and their failure to meaningfully address the misconduct  
constitutes reckless disregard and deliberate indifference  
to the plaintiff's safety and resulted in him being  
assaulted by staff and inmates. The actions of all Defendants  
herein constitute a 1. Failure to Protect, 2. Civil Rights  
Conspiracy, 3. deliberate indifference, 4. Obstruction of  
plaintiff's First Amendment right to seek a redress of grievances,  
and 5. reckless disregard for plaintiff's safety. In  
addition the actions of Defendants Cain, Watts, Norwood,  
Warden, and Captain also constitute a 6. Failure to  
train and discipline.

## IV Relief

Escort Officer (2); Dominick; Burns; Schwartz; Moran;  
Seana; Jenkens; Pelacano in the amount of  
\$5,000,000 (Five million)

3. Grant injunctive relief in the form of ordering  
the Federal Bureau of Prisons to send plaintiff to  
a medium security institution for the  
remainder of his sentence to preserve his  
safety.

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT  
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**COVER SHEET**

**THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.**

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The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

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1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form.

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

Inmate Name: Paul Pergola  
Register Number: 57128097  
United States Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837

DETIN-MAIL™



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NO FEE ENCL 50

RECEIVED  
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RONALD ANDREA, CLERK  
DEPUTY CLERK

Office of the Clerk

United States District Court  
William J. Nealon Fed. Bldg. & U.S. Courthouse

235 North Washington Ave.

PA Box 1148

U.S. PENITENTIARY  
PO BOX 1000  
LEWISBURG PA 17837

DATE

THE ENCLOSED LETTER WAS PROCESSED  
SPECIAL MAILING PROCEDURES FOR  
YOU. THE LETTER HAS BEEN NEITHER  
INSPECTED NOR READ. IF THE WRITER RAISES  
A PROBLEM OVER WHICH THIS FACIL-  
ITATION, YOU MAY REQUEST TO RETURN  
FOR FURTHER INFORMATION OR CLARIFICATION.  
THE WRITER ENCLOSES CORRESPONDENCE  
PERTAINING TO THE ADDRESSEES  
THE ENCLOSED LETTER TO THE ADDRESSEES